

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

PIONEER HI-BRED INTERNATIONAL, )  
INC.; CORTEVA AGRISCIENCE, LLC; )  
AGRELIANT GENETICS, LLC; BECK'S )  
SUPERIOR HYBRIDS, INC.; and )  
WINFIELD SOLUTIONS, LLC, )

Plaintiffs, )

v. )

ALTEN, LLC; MEAD CATTLE )  
COMPANY, LLC; GREEN DISPOSAL )  
MEAD, LLC; PLATTE RIVER GREEN )  
FUELS, LLC; and TANNER SHAW, in his )  
Individual and official capacities, )

Defendants. )

Case No. 8:22-cv-00070

---

SYNGENTA SEEDS, LLC, )

Plaintiff, )

v. )

ALTEN, LLC; MEAD CATTLE )  
COMPANY, LLC; GREEN DISPOSAL )  
MEAD, LLC; PLATTE RIVER GREEN )  
FUELS, LLC; TANNER SHAW and )  
SCOTT TINGELHOFF, )

Defendants. )

Case No. 8:22-cv-00071

---

BAYER US LLC, )

Plaintiff, )

v. )

ALTEN, LLC; MEAD CATTLE )  
COMPANY, LLC; GREEN DISPOSAL )  
MEAD, LLC; PLATTE RIVER GREEN )

Case No. 8:22-cv-00082

FUELS, LLC; and TANNER SHAW, in his )  
 Individual and official capacities, )  
 )  
 Defendants. )

---

**PIONEER HI-BRED INTERNATIONAL, INC.’S; CORTEVA AGRISCIENCE, LLC’S;  
 AGRELIANT GENETICS, LLC’S; BECK’S SUPERIOR HYBRIDS, INC’S; AND  
 WINFIELD SOLUTIONS, LLC’S UNOPPOSED MOTION FOR LEAVE TO FILE  
 AMENDED COMPLAINT**

COMES NOW Plaintiffs Pioneer Hi-Bred International, Inc.; Corteva Agriscience, LLC; AgReliant Genetics, LLC; Beck’s Superior Hybrids, Inc.; and Winfield Solutions, LLC (collectively, “Plaintiffs”), by and through their undersigned counsel, and pursuant to NECivR 15.1, hereby move for leave to file an amended complaint in this matter. In support of this Motion, Plaintiffs state as follows:

1. Undersigned counsel contacted counsel for Defendants on May 25, 2023 by phone and email regarding the proposed amendment. Defendants do not object to the filing of the Amended Complaint.
2. The current deadline to seek leave to amend pleadings in this matter is Wednesday, May 31, 2023. (See Case No. 8:22-cv-70, Filing No. 110).
3. Plaintiffs have attached hereto Exhibit 1, a copy of their proposed Amended Complaint and exhibits referenced therein as required by NECivR 15.1(a).
4. The Amended Complaint adds six defendants as parties to the lawsuit, including, Earth Energy & Environment, LLC; AltEn Operating Company, LLC; Integrated Recycling, LLC; E3 Biofuels, LLC; Falcon Energy, LLC; and Mead Acquisition Company, LLC. (See Ex. 1, Am. Compl. ¶¶ 2, 19-28).
5. The Amended Complaint adds Count 13, which is a claim in negligence against AltEn, Integrated, and Tanner Shaw. In Count 13, Plaintiffs allege that AltEn, Integrated, and their agents, including Shaw, had a duty to properly store the seed and byproducts of the ethanol manufacturing process in accordance with all laws, rules and regulations; that they breached that duty; and that the breach was the proximate cause of the Plaintiffs’ damages (See Id. ¶¶ 196-98).
6. The Amended Complaint also provides relevant updates to certain factual allegations. (See Id. ¶¶ 12, 19-28, 78, 92, 95, 99, 106-09).

7. Pursuant to Federal Rule of Civil Procedure 15, “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). In this case, justice requires that Plaintiffs be permitted to amend their Complaint so that the Plaintiffs may access all the business entities related to the Defendants that are involved in or participated in the actions and inactions forming the factual basis of Plaintiffs’ claims.

8. The Eighth Circuit has long held that “amendments should be allowed with liberality.” *See e.g., Standard Title Insurance Co. v. Roberts*, 349 F.2d 613, 622 (8th Cir. 1965); *Chesnut v. St. Louis County, Mo.*, 656 F.2d 343, 349 (8th Cir. 1981); *Popp Telcom v. American Sharecom, Inc.*, 210 F.3d 928, 943 (8th Cir. 2000). Leave to amend should not be denied absent “undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the non-moving party, or futility of amendment.” *Popp Telcom*, 210 F.3d at 943; *AB realty, LLC, v. Lane*, Case No. 8:19-cv-102, 2023 U.S. Dist. LEXIS 36977, \*3 (D. Neb. Mar. 6, 2023) (granting motion for leave to amend complaint under liberal Rule 15 standard); *Willstrop v. Prince Mktg. LLC*, Case No. 8:17-cv-350, 2020 U.S. Dist. LEXIS 56706, \*6-7 (D. Neb. Apr. 1, 2020) (granting leave to file fourth amended complaint under Rule 15 standard).

9. Because this request for leave to amend is being made by the deadline for amendments set forth in the Case Progression Order, and there is no undue delay or dilatory motives, Plaintiffs’ Motion for Leave to File its Amended Complaint is governed by the liberal amendment standard in Rule 15 and not the more stringent good-cause standard in Federal Rule of Civil Procedure 16. *See, e.g., Am. Cas. Co. of Reading v. Pella Corp. & Pella Windows & Doors of Ontario Corp.*, Case No. 4:12-cv-541-JEG, 2018 U.S. Dist. LEXIS 246028, \*16 (S.D. Iowa Mar. 13, 2018) (acknowledging that “for Rule 16(b)’s good cause standard to apply, there must be an applicable scheduling order that sets forth deadlines to amend pleadings, and those deadlines must have passed.”).

10. Consistent with Rule 15 standard and the case law outlined above, Plaintiffs’ Motion to Amend should be granted. This is Plaintiffs’ first request for leave to amend its Complaint; Plaintiffs make the request in good faith; Defendants do not object to the amendment and will not be prejudiced by it; there is no futility in amending or failure to cure deficiencies in

Plaintiffs' pleadings; and this motion is made in compliance with the applicable deadline set forth in the Case Progression Order.

WHEREFORE, Plaintiffs respectfully requests this Court enter an Order granting Plaintiffs' Motion for Leave to File its Amended Complaint in this matter.

DATED this 31st day of May, 2023.

Respectfully submitted,

/s/ Todd W. Weidemann

Todd W. Weidemann, Neb. No. 20505  
WOODS AITKEN LLP  
10250 Regency Circle, Ste. 525  
Omaha, Nebraska 68114  
Telephone: (402) 898-749  
Fax: (402) 898-7401  
[tweidemann@woodsaitken.com](mailto:tweidemann@woodsaitken.com)

Abigail R. Frame, Colo. No. 52901  
WOODS AITKEN LLP  
7900 E. Union Avenue, Suite 700  
Denver, Colorado 80237  
Telephone: (303) 606-6700  
Fax: (303) 606-6701

*Local Counsel for Pioneer Hi-Bred  
International, Inc.; Corteva Agriscience,  
LLC; AgReliant Genetics, LLC; Beck's  
Superior Hybrids, Inc.; and Winfield  
Solutions, LLC*

By: /s/ Thomas F. Koegel

Thomas F. Koegel, Cal. No. 125852.  
**CROWELL & MORING LLP**  
3 Embarcadero Center  
26th Floor  
San Francisco, CA 94111  
Tel: (415) 365-7858  
Fax: (415) 986-2827  
Email: [tkoegel@crowell.com](mailto:tkoegel@crowell.com)  
(application for admission pro hac vice  
forthcoming)

*Attorney for Plaintiffs Pioneer Hi-Bred  
International, Inc. and Corteva  
Agriscience, LLC*

By: /s/ Kirsten L. Nathanson  
Kirsten L. Nathanson, DC No. 463992  
**CROWELL & MORING LLP**  
1001 Pennsylvania Avenue NW  
Washington., D.C. 20004  
Tel: (202) 624-2887  
Fax: (202) 628-5116  
Email: [knathanson@crowell.com](mailto:knathanson@crowell.com)  
(application for admission pro hac vice  
forthcoming)  
*Attorney for Plaintiffs Pioneer Hi-Bred  
International, Inc. and Corteva  
Agriscience, LLC*

By: /s/ J Jackson and B. Andrew Brown  
J Jackson, MN Bar No. 49219  
B. Andrew Brown, MN Bar No. 0205357  
**DORSEY & WHITNEY LLP**  
50 South Sixth Street, Suite 1500  
Minneapolis, MN 55402  
Telephone: (612) 340-2600  
[jackson.j@dorsey.com](mailto:jackson.j@dorsey.com)  
[brown.andrew@dorsey.com](mailto:brown.andrew@dorsey.com)  
(application for admission pro hac vice  
forthcoming)  
*Attorneys for Plaintiff Winfield Solutions,  
LLC*

/s/ Anthony C. Sallah  
Anthony C. Sallah (MI Bar No. P84136)  
**BARNES & THORNBURG, LLP**  
171 Monroe Ave., NW, Suite 1000  
Grand Rapids, Michigan 49503  
P: (616) 742-3930  
[asallah@btlaw.com](mailto:asallah@btlaw.com)  
(application for admission pro hac vice  
forthcoming)  
*Attorneys for Plaintiff AgReliant Genetics,  
LLC*

/s/ Amy Berg and Robert A. Jorczak  
Amy Berg, Ind. No. 32513-32

Robert A. Jorczak, Ind. No. 32027-29  
ICE MILLER LLP  
One American Square, Suite 2900  
Indianapolis, IN 46282-0200  
(317) 236-2100 (Telephone)  
(317) 592-4790 (Fax)  
email: [amy.berg@icemiller.com](mailto:amy.berg@icemiller.com)  
email: [louie.jorczak@icemiller.com](mailto:louie.jorczak@icemiller.com)  
(application for admission pro hac vice  
forthcoming)  
*Attorneys for Plaintiff Beck's Superior  
Hybrids, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 31st day of May 2023, a true and correct copy of the foregoing was served on parties herein via the PACER e-filing system (CM/ECF) of the United States District Court for the of Nebraska.

/s/ Todd W. Weidemann  
Todd W. Weidemann, Neb. No. 20505